

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of)	
)	
)	
CERTAIN INK MARKERS AND)	Inv. No. 337-
)	TA-522
PACKAGING THEREOF)	
)	

**NOTICE OF COMMISSION DECISION NOT TO REVIEW
AN INITIAL DETERMINATION TERMINATING THE INVESTIGATION AS TO ONE
RESPONDENT ON THE BASIS OF A SETTLEMENT AGREEMENT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ's") initial determination ("ID") (Order. No. 7) terminating the above-captioned investigation as to respondent Luxor International Pvt. Ltd. ("Luxor") on the basis of a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Irene H. Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3112. Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION:

The Commission instituted this investigation on August 18, 2004, based on a complaint filed on behalf of Sanford, L.P. of Freeport, Illinois ("complainant"). 69 *Fed. Reg.* 52029. The complaint, as supplemented, alleged violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain ink markers and packaging thereof by reason of infringement of U.S. Trademark Registration

Nos. 807,818 and 2,721,523 and also by reason of infringement of trade dress. The notice of investigation identified 12 respondents. On November 10, 2004, the presiding ALJ granted a motion to add three respondents to the investigation (Order No. 5). The Commission determined not to review that ID on December 13, 2004.

On October 27, 2004, complainant filed a motion pursuant to Commission rule 210.21 to terminate the investigation as to respondent Luxor International Pvt. Ltd. ("Luxor") on the basis of a settlement agreement. The Commission investigative attorney supported the motion. On November 15, 2004, the ALJ issued the subject ID terminating the investigation as to Luxor on the basis of a settlement agreement. No petitions for review of the ID were filed.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: December 15, 2004